

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OKLAHOMA**

In re:	)	Case No. 19-11118
	)	Honorable Dana L. Rasure
James Leslie Davis,	)	
Barbara Anne Davis,	)	
Debtors.	)	Chapter 7

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY OF 11 U.S.C. § 362 (A)  
AND NOTICE OF OPPORTUNITY FOR HEARING  
AND REQUEST FOR WAIVER OF 14 DAY STAY  
UNDER BANKRUPTCY RULE 4001 (a)(3)**

COMES NOW TD Auto Finance LLC ("TD Auto"), by counsel, and respectfully moves this Court for relief from the automatic stay and, in support thereof, states as follows:

1. This Court has jurisdiction of this matter pursuant to 28 U.S.C. §§ 1334 and 157 (e) and 11 U.S.C. §362.
2. TD Auto is a corporation doing business in Oklahoma and authorized to do so.
3. Debtors filed this bankruptcy proceeding on May 30, 2019.
4. TD Auto has a duly perfected security interest in Debtors' 2017 Dodge Ram 2500, VIN: 3C6UR5FL3HG517104. See Retail Installment Contract and Notice of Lien, attached hereto as Exhibits 1 and 2, and incorporated herein by reference.
5. On the date of the filing of this bankruptcy proceeding, TD Auto was owed at least \$58,258.58.
6. Payments are delinquent for April 13, 2019 and thereafter in the amount of \$2,462.11.
7. TD Auto is not adequately protected with a continuation of the automatic stay, as TD Auto is not being compensated for the use a depreciation of the aforesaid vehicle.
8. Although no formal appraisal has been made, the N.A.D.A. Used Car Guide retail value of the aforesaid vehicle at the time of filing was \$47,700.00.

9. Upon information and belief, Debtors have no substantial equity in the aforesaid vehicle and it is not necessary to an effective reorganization.

10. Upon entry of any Order for Relief from the Automatic Stay TD Auto requests a waiver of the fourteen (14) day stay of execution imposed by Bankruptcy Rule 4001(a)(3), due to insufficient information as to whether or not said vehicle is insured and the waiver will allow Creditor to protect said vehicle from harm, damage and loss.

#### **NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document.** If you do not want the court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the clerk of the united states bankruptcy court for the northern district of Oklahoma, 224 South Boulder, Tulsa, Oklahoma 74103 no later than **14 days** from the date of filing of this request for relief. You should also serve a file-stamped copy of your response or objection to the undersigned movant's attorney [and others who are required to be served] and file a certificate of service with the court. If no response or objection is timely filed, the court may grant the requested relief without a hearing or further notice. **The 14 day period includes 3 days allowed for mailing provided for in Fed. R. Bankr. P. 9006(f)**

WHEREFORE, TD Auto respectfully prays this Court to enter an Order terminating the automatic stay of 11 U.S.C. § 362 to allow TD Auto to enforce its security interest pursuant to state law in the property described herein, that any order modifying the automatic stay be

effective immediately as allowed under Federal Bankruptcy Rule 4001(a)(3), and for such other and further relief as this Court may deem just and proper.

By: /s/ Kathryn A. Klein  
Kathryn A. Klein MO Bar #35874  
7700 Bonhomme Avenue, 7<sup>th</sup> Floor  
St. Louis, MO 63105  
(314) 727-0101  
Attorneys for TD Auto  
klein@riezmanberger.com

**CERTIFICATE OF SERVICE**

I hereby certify that on June 5, 2019, a true and correct copy of the Motion for Relief from the Automatic Stay filed on June 5, 2019 was forwarded via U.S. Mail, first class, postage prepaid and properly addressed on the following at the addresses shown below:

James Leslie Davis  
4636 South 167th East Avenue  
Tulsa OK 74134

Debtor

Barbara Anne Davis  
4636 South 167th East Avenue  
Tulsa OK 74134

Debtor

and was electronically served using the CM/ECF system on:

Ron D. Brown

Attorney for Debtors

Scott P. Kirtley

Chapter 7 Trustee

Office of the United States Trustee

By: /s/ Kathryn A. Klein  
Kathryn A. Klein MO Bar #35874  
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St. Louis, MO 63105  
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Attorneys for TD Auto  
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